

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
3                   CHARLESTON DIVISION

4                   \* \* \* \* \*

5   B.P.J., by her next friend and       \*  
6   Mother, HEATHER JACKSON,               \*  
7   Plaintiff                               \* Case No.  
8   vs.                                      \* 2:21-CV-00316  
9   WEST VIRGINIA STATE BOARD OF       \*  
10 EDUCATION, HARRISON COUNTY           \*  
11 BOARD OF EDUCATION, WEST           \*  
12 VIRGINIA SECONDARY SCHOOL          \*  
13 ACTIVITIES COMMISSION, W.          \*  
14 CLAYTON BURCH in his official     \*  
15 Capacity as State Superintendent,\* VIDEOTAPED  
16 DORA STUTLER in her official       \* VIDEOCONFERENCE  
17 Capacity as Harrison County       \* DEPOSITION  
18 Superintendent, PATRICK MORRISEY \*   OF  
19 In his official capacity as       \* HEATHER JACKSON  
20 Attorney General, and THE STATE   \* January 20, 2022  
21 OF WEST VIRGINIA,                   \*  
22 Defendants                           \*

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                  by the certifying agency.

1                   VIDEOTAPED VIDEOCONFERENCE DEPOSITION  
2                   OF  
3 HEATHER JACKSON, taken on behalf of the Defendant, State  
4 of West Virginia herein, pursuant to the Rules of Civil  
5 Procedure, taken before me, the undersigned, Nicole  
6 Montagano, a Court Reporter and Notary Public in and for  
7 the State of West Virginia, on Wednesday, January 20,  
8 2022, beginning at 11:13 a.m.

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| 9  | Exhibit 4     | UPMC Children's Medical<br>Records | --*               |
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| 15 | Exhibit 11A   | Progress Notes                     | --*               |
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| 15 | Exhibit 20    | Student Information         | ---*              |
| 16 | Exhibit 20R   | Student Information         | ---*              |
| 17 | Exhibit 21    | Screening Results           | ---*              |
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| 19 | Exhibit 22    | Birth Certificate           | ---*              |
| 20 | Exhibit 22R   | Birth Certificate           | ---*              |
| 21 | Exhibit 23    | Heart Walk Article          | --                |
| 22 | Exhibit 23R   | Heart Walk Article          | --                |
| 23 | Exhibit 24    | Photo                       | --                |
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| 5  | Exhibit 25    | WV Record               | --                |
| 6  | Exhibit 26    | Photo of Mom and BPJ    | --                |
| 7  | Exhibit 27    | Article                 | --                |
| 8  | Exhibit 28    | Article                 | --                |
| 9  | Exhibit 29    | Lambda Legal Article    | --                |
| 10 | Exhibit 30    | Declaration of Heather  |                   |
| 11 |               | Jackson                 | --                |
| 12 | Exhibit 31    | Declaration of BJP      | --                |
| 13 | Exhibit 32    | First Amended Complaint | --                |
| 14 | Exhibit 33    | Standards of Care       | --                |
| 15 | Exhibit 34    | House Bill 3293         | --                |
| 16 |               |                         |                   |
| 17 |               |                         |                   |
| 18 |               |                         |                   |
| 19 |               |                         |                   |
| 20 |               |                         |                   |
| 21 |               |                         |                   |
| 22 |               |                         |                   |
| 23 | *             | CONFIDENTIAL EXHIBITS   |                   |
| 24 |               |                         |                   |

1 just --- the State has signed off officially, and so ---  
2 oh, there you are. You just popped her into the screen.  
3 It took me a minute to find her.

4 Ms. Jackson, my name is Roberta Green. I'm an  
5 attorney here on behalf of West Virginia Secondary  
6 School Activities Commission, also known as WVSSAC.

7 Do you know the those initials, WVSSAC?

8 A. Yes, I know the WVSSAC initials. Yes.

9 Q. Okay. Great. So if I refer to it then --- it  
10 as WVSSAC, you'll know who I mean?

11 A. Yes, yes.

12 Q. That will save us ten words every time I --- so  
13 I just have a few questions for you today. If I  
14 understood your testimony correctly, you learned of  
15 House Bill 3293 when you heard about it on the news.

16 Is that accurate?

17 A. Yes, that's accurate.

18 Q. Do you recollect whether at any time prior to  
19 learning of House Bill 3293 you had notified WVSSAC of  
20 BPJ's interest in running on the girls cross-country  
21 team?

22 A. I did not notify them of her desire.

23 Q. All right.

24 And at any time prior to filing the lawsuit do

1 you recall whether you ever notified WVSSAC of BPJ's  
2 interest in running on the girls cross-country team?

3 A. I did not contact the WVSSAC in advance.

4 Q. All right.

5 And do you know whether at any time, like up  
6 until today, you have contacted WVSSAC to notify them of  
7 BPJ's interest in running on the girls cross-country  
8 team?

9 A. I have not.

10 ATTORNEY GREEN: Okay.

11 I don't think I have any other questions.  
12 So thank you very much. I appreciate it.

13 -----

14 EXAMINATION

15 -----

16 BY ATTORNEY DENIKER:

17 Q. Good afternoon, Ms. Jackson. My name is Susan  
18 Deniker. I introduced myself earlier today, but I  
19 represent the Harrison County Board of Education and  
20 superintendant Dora Stutler in this litigation. Thank  
21 you for your time today. I know it's been a long day  
22 and I appreciate you hanging in there with us.

23 I do have some additional questions for you.  
24 If I ask you anything that you don't understand today